

SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY

TERESA JONES, Individually and as
Personal Representative of the Estate of
NORMAN E. MALLANG

Plaintiff,

vs.

CASCADE MEDICAL INVESTORS,
LIMITED Partnership, dba
MARYSVILLE CARE CENTER and
LIFE CARE CENTERS of AMERICA,

Defendants.

NO. 15 2 07425 1

COMPLAINT FOR DAMAGES
FOR NEGLIGENCE,
WRONGFUL DEATH, AND
DAMAGES PURSUANT TO RCW 74.34

COMES NOW the plaintiff and states as follows:

I. PARTIES AND JURISDICTION

1.1 Defendant Cascade Medical Investors, upon information and belief, is and all times herein was a Tennessee Limited Partnership authorized to conduct business in the State of Washington.

1.2 Defendant conducted business in Snohomish County, Washington at all material times.

1.3 Defendant Life Care Centers of America is, upon information and belief, a Tennessee Corporation authorized to do business in Washington State.

1.4 Defendant Life Care Centers of America is, upon information and belief, has an ownership and/or management interest in Cascade Medical Investors, (herein after referred to as "defendant.")

1.5 At all material times Plaintiff has resided in Snohomish County, Washington.

1.6 Plaintiff was the daughter of Norman E. Mallang and is the duly appointed, qualified and acting Personal Representative of the Estate of Norman E. Mallang.

II. FACTS

2.1 Norman E. Montgomery resided at Marysville Care Center between December , 2012 and February, 2013. In November 2012 Mr. Mallang's health issues were being managed and he able to carry out activities of daily living independently.

2.2 By mid December Mr. Mallang started to became dehydrated and malnourished. His diabetic symptoms and hypertension were exacerbated. He became weak and lost his ability to move independently. He depended on Marysville Care Center staff to assist him with his hygiene needs. Marysville Care Center Staff did not respond to his calls for assistance. He attempted to get to the bathroom on his own and fell a number of times, resulting in a vertebral compression fracture and severe pain. He developed bed sores and MRSA. Adequate pain relief, prescribed medication and adequate nutrition, hydration and hygiene/infection care was not provided.

2.3 In February, 2013 Mr. Mallang was admitted to Providence Hospital in acute pain. He underwent a Kyphoplasty procedure to fix the vertebral fracture. His other health conditions which were exacerbated due to negligent care during his stay at Marysville Care Center were also treated. However, he never recovered fully recovered and died February 21, 2013.

2.6 Marysville Care Center failed to meet the standard of care for monitoring, assessing, establishing a care plan and executing a care plan for Mr. Mallang's needs regarding hydration nutrition, pain management, safety, hygiene, sanitation, medication, and medical treatment.

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III. NEGLIGENCE

3.1 Plaintiff reasserts all prior paragraphs and further asserts that Marysville Care Center failed to discharge its obligations of care to Mr. Mallang. As a consequence thereof, Mr. Mallang suffered injuries, extreme pain, suffering and mental anguish. The scope and severity of the negligence inflicted upon Mr. Mallang while he was under the care of Marysville Care Center accelerated the deterioration of his health and physical condition beyond that caused by the normal aging process, resulted in physical and emotional trauma and caused his death.

3.2 A reasonable and prudent nursing home, operating under the same or similar circumstances, would have provided the critical care Mr. Mallang needed.

3.3 As a direct and proximate result of defendant's negligence, Mr. Mallang sustained great suffering and injury, culminating in his hospitalization in February 2013. Mr. Mallang died on February 21, 2013, as a result of said injuries. Because of the injuries and damages which survive to the Estate pursuant to RCW 4.20.046 and 4.20.060, the Estate of Mr. Mallang has sustained great loss due to his injury, pain and suffering, resulting in damages in an amount to be proven at trial.

3.4 As a further direct and proximate result of defendant's negligence Mr. Mallang was caused to suffer a shortened life, permanent injury and disability and died on February 21, 2013. By reason of the of the matters alleged in this paragraph Estate of Mr. Mallang has suffered damages in an amount to be proven at trial.

1 **IV. RCW 74.34**

2 4.1 Plaintiff reasserts all prior paragraphs and further asserts that Marysville Care Center's
3 conduct as described above constituted abuse and/or neglect as set forth in RCW 74.34 et seq

4 4.2 As a direct and proximate result of defendant's conduct set forth above, Mr. Mallang
5 suffered injuries, pain and suffering, and loss of his life. By reason of the of the matters alleged
6 in this paragraph Estate of Mr. Mallang has suffered damages in an amount to be proven at trial,
7 including attorney fees and costs of suit, pursuant to in RCW 74.34.200(3).

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9 **V. CONSORTIUM**

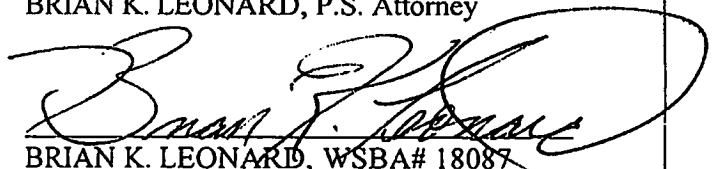
10 5.1 Plaintiff reasserts all prior paragraphs and further asserts that as a further direct and
11 proximate result of defendant's negligence and violation of RCW 74.34 Teresa Jones has lost the
12 love, comfort support and society of her father, and has thereby suffered damages in an amount
13 to be proven at trial

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15 **PRAYER FOR RELIEF**

16 WHEREFORE, plaintiff prays for judgment against defendant for the damages set forth
17 in this complaint, together with plaintiff's costs and disbursements and attorney's fees incurred in
18 bringing this action, pursuant to RCW 74.34.200, for prejudgment interest, and for such other
19 relief as the Court may deem just and proper.

20 DATED this 30TH day of November, 2015.

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23 BRIAN K. LEONARD, P.S. Attorney

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25 BRIAN K. LEONARD, WSBA# 18087
 Counsel for Plaintiff